

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN RE: : CASE NO. 14-55498
RICK W. JOHNSON : CHAPTER 13
DEBTOR : JUDGE PRESTON

Rick W. Johnson
PO Box 61
Huntsville, OH 43324

Adv. Pro. No.

Plaintiff,

v.

Dreambuilder Investments, LLC
c/o BP Law Group, LLC
8815 Research Drive
Irvine, CA 92618

and

Land Home Financial Services
PO Box 17299
Irvine, CA 92623-7299

Defendants.

COMPLAINT

1. Plaintiff states that he, Rick W. Johnson, filed for relief pursuant to Chapter 13 of the United States Bankruptcy Code on August 4, 2014.

2. Plaintiff states that this is a core proceeding under 28 U.S.C. § 157(b)(2)(I). Venue is proper under 28 U.S.C. § 1409(a).

3. Plaintiff states that he is the individual owner of residential real property located at 4242 County Rd. 37W, Huntsville, OH. The legal description is included with the mortgage attached hereto at Exhibit A.

4. The real estate has an uncontested fair market valuation of \$72,000.00 as of the date of the filing of the bankruptcy, as set forth in the appraisal filed at Doc. No. 9.

5. The Debtor's interest in the property is \$72,000.00.

6. Plaintiff states that the property at 4242 County Rd. 37W, Huntsville, Ohio is subject to a first mortgage lien to Wells Fargo Bank, NA, recorded on January 3, 2001, in the Office of the Recorder of Logan County, Ohio, at Instrument No. 20010000064, with the approximate outstanding balance at the time of the filing of the bankruptcy of \$79,715.66.

7. Plaintiff states that the property at 4242 County Rd., 37W, Huntsville, Ohio is also subject to a second mortgage lien to Dreambuilder Investments, LLC, which is serviced by Land Home Financial Services, Inc., recorded on August 2, 2001, in the Office of the Recorder of Logan County, Ohio, at Instrument No. 20010007527, with the approximate outstanding balance at the time of filing of the bankruptcy of \$18,183.33.

8. Plaintiff states that the second mortgage lien of Dreambuilder Investments, LLC is junior to the superior lien of the first mortgage of Wells Fargo Bank, NA.

9. Plaintiff states that there exists insufficient equity in the residential real estate to deem the second mortgage in favor of Dreambuilder Investments, LLC as secured.

10. Plaintiff states that pursuant to the pertinent provisions of 11 U.S.C. § 506(a) and 506(d) as made applicable in this case by 11 U.S.C. § 1325(a)(5), Dreambuilder Investments, LLC is not the holder of a secured claim as it relates to the second mortgage claim as that term is defined in the United States Bankruptcy Code.

WHEREFORE, Plaintiff demands that:

1. the second mortgage lien of Dreambuilder Investments, LLC, a full and accurate copy of which is attached hereto, be deemed avoided; that the court order the mortgage to be released and forever discharged; and that Dreambuilder Investments, LLC be deemed to have an unsecured claim in this case as to the second mortgage.

2. for such other and further relief the at the Court finds just and proper in the premises to grant.

Respectfully submitted,
/s/ Nannette J.B. Dean
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